IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26977 of 2006

DATED: 28.12.2006

Between:

Murapala Ramesh petitioner

And

APSRTC
Rep by its Managing Director,
Musheerabad, Hyderabad & ors Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 26977 OF 2006

ORAL ORDER:

This writ petition is filed questioning the proceedings of the second respondent dated 26.8.1999 rejecting the claim of the petitioner for compassionate appointment on the ground of under-age and advising to opt for additional monetary benefits in lieu of employment.

The father of the petitioner who was employed in the respondent corporation as Cleaner died during the course of service on 25.2.1999. Thereafter, the petitioner submitted an application for appointment under compassionate grounds. On consideration of the matter the second respondent by impugned proceedings dismissed the claim of the petitioner on the ground of under-age and advised to file an application for additional monetary benefits in lieu of appointment. Hence, the present writ petition.

Learned standing counsel for respondent corporation submitted that the case of the petitioner was rejected on the ground of under age and the same cannot be said to be illegal. It is also stated that presently a ban is operating on the appointments and petitioner is at liberty to avail the additional monetary benefits in lieu of appointment.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the material

papers produced by the respondents.

The apex Court in ***Shri Umesh Kumar Nagpal v. State of Haryana and others***[1], has held that compassionate appointment is not a vested right to be exercised at any time in future. I n ***Smt. Sushma Gosain and Ors. v. Union of India and Ors***[2] it was observed that the fact that the ward was a minor at the time of death of his father is no ground, unless the scheme itself envisage specifically otherwise, to state that as and when such minor becomes a major he can be appointed without any time consciousness or limit. The above view was re-iterated in ***Phoolwati (Smt.) v. Union of India and Ors*** [3] and ***Union of India and Ors. v. Bhagwan Singh***[4].

In the present case, it is not the specific case of the petitioner that the Rules of the respondents corporation provides that as and when the minor becomes major his case shall be considered for appointment on compassionate basis. The petitioner very vaguely states in the affidavit that the Government has issued an order providing employment at the age of 16 yeas and to calculate the service from 18 years for all practical purposes of service, but no material is brought to the notice of this Court. The copy of the said Government order was neither filed along with the writ petition nor produced before the Court. In the absence of any material,
it cannot be said that the petitioner was discriminated. Since the petitioner does not possess the required qualification of age, his case was rejected by impugned proceedings and the same cannot be said as an illegal order. That apart, the impugned order is dated 26.8.1999 and the petitioner having kept quiet for more than seven years, now filed the present writ petition without explaining the reasons for abnormal delay.

For the foregoing reasons, I see no reason to interfere with the matter at this belated stage. However, the petitioner is at liberty to submit an application for grant of additional monetary benefits in terms of the scheme flouted by the respondent corporation. On filing any such application, the same shall be considered in accordance with law and the circulars of the respondent corporation, expeditiously.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 28.12.2006
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THE HON'BLE MR JUSTICE N.V. RAMANA

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[1] 1994 (4) SCC 138

[2] 1989 (4) SCC 468

[3] 1991 Supp (2) SCC 689

[4] 1995 (6) SCC 476